

Jose Gallimort
 Name
1827 W. Gowan Rd APT #1180
N. Las Vegas, NV 89032

Prison Number

FILED	RECEIVED
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COUNSEL/PARTIES OF RECORD	
MAR 26 2019	
CLERK U.S. DISTRICT COURT DISTRICT OF NEVADA	
BY:	DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Jose Gallimort,)
 Plaintiff,)
 vs.)
Romero Aranas (Medical Director) et al.)
Jennifer Nash (Assistant warden))
Brian Williams (Warden))
James Dzurenda (Director))
 Defendant(s).)

2:19-cv-00514-RFB-GWF

CIVIL RIGHTS COMPLAINT
PURSUANT TO
42 U.S.C. § 1983

Jury Trial Demanded

A. JURISDICTION

- 1) This complaint alleges that the civil rights of Plaintiff, Jose Gallimort,
 (Print Plaintiff's name)
 who presently resides at 1827 W. Gowan Rd. APT #1180 N. Las Vegas, NV 89032 were
 violated by the actions of the below named individuals which were directed against
 Plaintiff at High Desert State Prison / Indian Springs, NV on the following dates
 (institution/city where violation occurred)
07/26/2017, 05/31/2018, and 07/11/2018, and
 (Count I) (Count II) (Count III)
07/27/2018
 (Count IV)

**Make a copy of this page to provide the below
information if you are naming more than five (5) defendants**

2) Defendant Romero Aranas resides at Unknown,
(full name of first defendant) (address if first defendant)
 and is employed as Medical Director. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
 acting

under color of law: Nevada Department of Corrections Medical Director

3) Defendant Jennifer Nash resides at Unknown,
(full name of first defendant) (address if first defendant)
 and is employed as Assistant Warden. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
 acting

under color of law: Nevada Department of Corrections Assistant Warden

4) Defendant Brian Williams resides at Unknown,
(full name of first defendant) (address if first defendant)
 and is employed as Warden. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
 acting

under color of law: Nevada Department of Corrections Warden

5) Defendant James Dzurenda resides at Unknown,
(full name of first defendant) (address if first defendant)
 and is employed as Director. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
 acting

under color of law: Nevada Department of Corrections Director of Prisons

6) Defendant _____ resides at _____,
 (full name of first defendant) (address if first defendant)
 and is employed as _____. This defendant is sued in his/her
 (defendant's position and title, if any)
 ____ individual ____ official capacity. (Check one or both). Explain how this defendant was
 acting
 under color of law: _____

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.

B. NATURE OF THE CASE

1) Briefly state the background of your case.

1.) Since July 26, 2017, Jose Gallimort (hereinafter plaintiff) has suffered terrible pain from a hernia that was most likely caused by strenuous work in High Desert State Prison (HDSP) Prison Industries (PI).

2.) Since 07/26/2017 plaintiff has begged for surgery and to this date has never received any care. Medical staff's reply was to put plaintiff on a sick call list which never gave him any results.

3.) On 08/30/2017 plaintiff submitted another kite explaining that he is still in pain and must receive surgery for his hernia. Medical staff's reply was "refer to medical." Plaintiff never received any results.

4.) On 05/31/2018 plaintiff submitted an informal grievance (IG) to persuade the medical administration to resolve the issue. Instead, Jennifer Nash interfered with the IG and stopped any relief the

C. CAUSE OF ACTION

(a) plaintiff may have received. The same goes for a third Kite submitted on 06/16/2018 which explained his need for surgery, to which medical staff replied he was placed on sick call on the same date. The plaintiff never received any attention. 5.) on 07/11/2018, the plaintiff's first level grievance was erroneously signed by Jennifer Nash and constituted a retaliatory action. The second level grievance, submitted on 07/27/2018, was also erroneously signed by AW Nash and it was received past the HDSP's 60 day timeframe. The plaintiff to this date never received any medical care, and has suffered this pain for more than a year, and for that reason, the plaintiff started the informal grievance procedure to inform the administration that the medical department did not follow the rules and was indifferent to the situation. When the informal grievance answer returned, it was erroneous because he was on the waiting list waiting for attention from the doctor for 10 months, and never received attention. The plaintiff continued to the first level grievance and received retaliation from someone who is not qualified to answer that grievance. The second level grievance continued with that retaliation from AW Nash, when she does not have jurisdiction over that grievance. The one who has authority over the first level grievance is Brian Williams, warden of High Desert State Prison, and the one who has authority over the second level grievance is James Dzurenda, who has the responsibility to submit that medical grievance to the medical department, who is directed by Romero Aranas.

COUNT I

The following civil rights has been violated: Right to Due Process rights under the 14th amendment, and Right to be free from cruel and/or unusual punishment, under the 8th amendment.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

6.) On July 26, 2017, plaintiff wrote a medical kite (see exhibit A) to medical staff explaining his abdominal hernia. He explained that he is in pain continuously and that he is in need of urgent surgery. Medical's response was to put the plaintiff on a sick call list. The plaintiff never received any care, spoke with a doctor, and was never notified of a sick call, which left the plaintiff in pain to this date, for more than a year.

7.) On August 30, 2017, the plaintiff wrote another kite (see exhibit "B") explaining that he is still in pain and needed this matter resolved. Medical staff responded "refer to medical." The plaintiff is still waiting to hear something from medical staff about getting surgery or to speak with a doctor.

8.) The plaintiff believes Romero Aranas, the medical director for the Nevada Department of Corrections (N.D.O.C) is responsible for the medical staff's ignorance towards the plaintiff's hernia. The poor coordination between medical staff and N.D.O.C staff causes sick calls to be made, but no notification or rescheduling occurs on the N.D.O.C's behalf, thus depriving him of his right to be free from cruel and/or unusual punishment under the 8th amendment

1 of the United States Constitution and his right to Due Process under
2 the 14th amendment.

3 9.) The plaintiff's final medical kite was submitted 6/16/2018
4 (See exhibit "C") to explain that there was no attention received,
5 and medical's response was to place him on sick call. To this
6 date he has never received any medical attention, for more than a year.

7 10.) The defendants Romero Aranas, Jennifer Nash, Brian Williams
8 and James Dzurenda knew or should have known that when they
9 engaged in actions that deprived the plaintiff of his entitled
10 medical care, they went against N.D.O.C Policy, and the
11 Constitution of the United States by inflicting cruel and/or
12 unusual punishment upon the plaintiff. Their actions served no
13 penalty, aim, or goal and was a chill infringement to the plaintiff
14 and deprived him of his 8th amendment of the United States
15 Constitution Right to be free from cruel and/or unusual punishment,
16 and his 14th amendment right to Due Process.

COUNT II

The following civil rights has been violated: Right to Due Process Rights under the 14 amendment, and Right to be free from cruel and/or unusual punishment under the 8th amendment.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

11.) This count refers to Jennifer Nash's interference with the informal grievance process that could have granted relief to the plaintiff. On 5/19/2018, the plaintiff filed an informal grievance (see exhibit "D") in order to persuade Medical staff to provide a more satisfactory solution to the plaintiff's hernia.

12.) A.W. Nash actively interfered with the plaintiff's relief by answering a grievance that should have been referred to someone in the medical department. Furthermore, the informal grievance is erroneously signed by A.W. Nash, while the grievance coordinator's signature is absent, and the grievance is left unchecked in terms of "upheld," "denied," or "not grievable per AR740."

13.) A.W. Nash is not qualified to give an answer about a medical issue because she does not understand the severity of such issues. Her action put the plaintiff in continued pain and suffering.

14.) A.W. Nash unreasonably applied the untimely rule (AR740) and demonstrated a desire to quickly bypass the plaintiff's hernia issue. This is further supported by her statement that the kite was written in 2007. Although minor,

1 it indicates that AW Nash was quick to apply an unreasonable
2 rule and ignore the issue, and was indifferent.

3 15.) The plaintiff believes that a reasonable person in her
4 position would have looked beyond the dates and realized that
5 she did not have the medical knowledge necessary to judge this
6 issue and submit the informal grievance to medical. AW Nash
7 did not do that and therefore caused harm.

8 16.) The defendants Romero Aranas, Jennifer Nash, Brian
9 Williams and James Dzurenda knew or should have known that
10 when they engaged in actions that deprived the plaintiff of
11 his entitled medical care, they went against N.D.O.C Policy,
12 and the constitution of the United States by inflicting cruel
13 and/or unusual punishment upon the plaintiff. Their actions
14 served no penalty, aim, or goal and was a chill infringement to
15 the plaintiff, and deprived him of his 8th amendment of the
16 United States Constitution right to be free from cruel and/or
17 unusual punishment, and his 14th amendment right to Due
18 Process.

COUNT III

The following civil rights has been violated: Right to Due Process under the 14th amendment, Right to be free from cruel and/or unusual punishment under the 8th amendment, and Right to readdress prison grievances under the 1st amendment

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

17.) Count 3 refers to the first level grievance (see exhibit "E") that was submitted after the informal grievance was denied. Plaintiff had hoped that this grievance would be answered by someone within the medical profession who could finally grant him the surgery that he still needs to this date.

18.) Jennifer Nash once again interfered with the plaintiff's relief. She stated that the grievance was denied because it was an untimely submission, and she sent an email to medical.

19.) The contents of the email are unknown, but it clearly did not help, because the plaintiff is still waiting for care.

20.) When A.W. Nash sent an email to medical in response to the plaintiff's first level grievance, she proved that (1) she does not have the medical expertise to judge this medical issue, that (2) the grievance must have been submitted to someone in the medical administration, and (3) that the plaintiff's issue did indeed deserve medical attention that medical staff did not provide.

21.) Therefore, once she denied the first level grievance,

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

- 1) Have you filed other actions in state or federal courts involving the **same or similar facts** as involved in this action? ☐ Yes ☒ No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below

1 and proved that the plaintiff's issue was in need of medical
2 attention, and proved that she did not have medical expertise, and
3 proved that the grievance should have been answered by medical
4 staff, she proved this by sending an email to medical, we can now
5 state that Jennifer Nash committed a retaliatory action towards
6 the plaintiff thus violating his first amendment, and inflicted
7 cruel and/or unusual punishment towards the plaintiff, thus
8 violating his 8th amendment right, and that she deprived him
9 of Due Process, thus violating his 14th amendment.

10 22.) The defendants Romero Aranas, Jennifer Nash, Brian
11 Williams and James Dzurenda knew or should have known
12 that when they engaged in retaliatory incidents that caused
13 medical harm against the plaintiff, they went against
14 N.D.O.C Policy and the Constitution of the United States,
15 by not allowing the right to readdress prison grievances.
16 Their actions served no penalty, aim, or goal and was a
17 chill infringement to the plaintiff, and deprived him of his 1st
18 amendment right of the United States Constitution to
19 readdress his prison grievance without fear or retaliation,
20 and his right to be free from cruel and/or unusual
21 punishment under the 8th amendment, and right to Due
22 Process under the 14th amendment.

COUNT IV

1 The following civil Rights has been violated: Right to Due Process under the 14th
2 amendment, Right to be free from cruel and/or unusual punishment under the 8th
3 amendment, and Right to readdress prison grievances under the 1st amendment.

4
5 23.) This count refers to the second level grievance (see exhibit "F")
6 that was never answered by anyone from medical staff and once
7 again marked as untimely by Jennifer Nash.

8 24.) By the N.D.O.C's rule, their staff members have 60 days
9 to answer a second level grievance, and must be signed and
10 recognized by a director or warden. This response was untimely
11 and incorrectly signed by an unauthorized party and is not
12 acknowledged as "upheld," "denied," or "not grievable per AR 740."

13 25.) The second level grievance has reasonable and true
14 statements such as "nobody can deny that medical staff failed
15 to address [the plaintiff's] issue properly by having [the plaintiff]
16 talk to a doctor so [the plaintiff] could be sent to a
17 hospital" (See exhibit "F").

18 26.) When we look at the witness affidavits (See
19 exhibits "G," "H"), we see that they were able to get their
20 surgeries, with David Thomson receiving his surgery in 2017, the
21 same year the plaintiff submitted his first kite to medical.

22 27.) This shows discrimination towards the plaintiff. There is
23 no reason why the plaintiff, who is a Cuban immigrant,
24 should be made to suffer cruel and/or unusual punishment.

25 28.) We must acknowledge that Jennifer Nash's response
26 to the second level grievance is a repeat of her retaliatory
27 action found in the first level grievance, and the plaintiff
28 must be compensated for that accordingly.

1 29.) James Dzurenda is now implicated in this lawsuit,
2 because his signature was nowhere to be found on this
3 grievance. His policy is unreasonable, and it allowed Jennifer
4 Nash to erroneously take action towards the plaintiff's
5 grievance. This caused him more pain and suffering than
6 necessary, and the plaintiff must be compensated for that.

7 30.) The defendants Romero Aranas, Jennifer Nash,
8 Brian Williams and James Dzurenda knew or should have
9 known that when they engaged in retaliatory incidents
10 that caused medical harm against the plaintiff they went
11 against N.D.O.C policy, and the constitution of the United
12 States by not allowing the right to readdress prison
13 grievances. Their actions served no penalty, aim, or goal and
14 was a chill infringement to the plaintiff, and deprived him
15 of his first amendment right of the United States Constitution
16 to readdress his prison grievance without fear or retaliation,
17 and his right to be free from cruel and/or unusual
18 punishment under the 8th amendment and right to Due
19 Process under the 14th amendment.

outline).

- a) Defendants: _____
- b) Name of court and docket number: _____
- c) Disposition (for example, was the case dismissed, appealed or is it still pending?):

- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

- 2) Have you filed an action in federal court that was **dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted**?
 ___ Yes ☒ No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (check one): ___ frivolous
 ___ malicious or ___ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____

c) The case was dismissed because it was found to be (check one): _____ frivolous
_____ malicious or _____ failed to state a claim upon which relief could be granted.

d) Issues raised: _____

e) Approximate date it was filed: _____

f) Approximate date of disposition: _____

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: _____

b) Name of court and case number: _____

c) The case was dismissed because it was found to be (check one): _____ frivolous
_____ malicious or _____ failed to state a claim upon which relief could be granted.

d) Issues raised: _____

e) Approximate date it was filed: _____

f) Approximate date of disposition: _____

- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? ☒ Yes ☐ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) _____ disciplinary hearing; (2) _____ state or federal court decision; (3) _____ state or federal law or regulation; (4) _____ parole board decision; or (5) _____ other _____.

If your answer is "Yes", provide the following information. Grievance Number 2006-30-66708

Date and institution where grievance was filed 6/1/2018, High Desert State Prison

Response to grievance: Denied

E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

- 31.) The plaintiff is entitled to \$300,000 in compensatory damages and \$700,000 in punitive damages for a total \$1,000,000.
- 32.) The punitive damages comes from deliberate indifference by being neglected by medical staff and denied medical care. The compensatory damages come from the physical injury sustained (the hernia) while working in Prison Industries.
- 33.) Finally, the N.D.O.C must pay for plaintiff's future hernia surgery.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

(Name of Person who prepared or helped
prepare this complaint if not Plaintiff)

JM98

(Signature of Plaintiff)

10/08/2018

(Date)

(Additional space if needed; identify what is being continued)

Exhibit A

- First medical kite written by Gallimort explaining his need for surgery for his abdominal hernia. Medical never followed through with the sick call

PRINT NAME: <u>JOSE GALLIMORT A</u>		ID# <u>56977</u>
(Also print name and ID# at bottom of form where indicated)		
Institution: <u>H.D.S.P.</u>	Date submitted: <u>7 / 26 / 2017</u>	Unit/House: <u>7-B-2</u>
Medical: <input checked="" type="checkbox"/>	Dental: <input type="checkbox"/>	Mental Health: <input type="checkbox"/> Nursing: <input type="checkbox"/> Other: _____
Reason for request: (Describe below)		
<p><u>Hello, I am in deeply need, to have a surgery of an abdominal hernia, I am in pain continually, and it's growing at an enormous pace, I've heard that the facility is currently, assisting inmates, that need this procedure done, please I've been addressing this issue for a while, and I cannot longer wait, or resist the pain, please set an appointment for a surgeon as soon as possible. THANKS</u></p>		
DO NOT WRITE IN AREA BELOW		
Response to request:		
Put on provider sick call list		
<input type="checkbox"/> Appointment Schedule for: ____ / ____ / ____ Rescheduled for: ____ / ____ / ____ <input type="checkbox"/> No visit necessary <input type="checkbox"/> No Show for Appointment <input type="checkbox"/> Refused to be seen. DOC 2523-Release of Liability signed		
PRESCRIPTIONS		
<input type="checkbox"/> KOP <input type="checkbox"/> NON-KOP <input type="checkbox"/> Order Date: ____ / ____ / ____		
PLAN		
<input type="checkbox"/> Follow-up appointment ____ / ____ / ____ <input type="checkbox"/> Return if needed <input type="checkbox"/> No follow-up required		
<u>Celant</u> Signature/Title of Provider		<u>7, 28, 17</u> Date
NEVADA DEPARTMENT OF CORRECTIONS		NAME: <u>Gallimort Jose A</u>
MEDICAL KITE and/or SERVICE REPORT		SIGNATURE: <u>JMGs</u>
		ID#: <u>56977</u>

Exhibit B

- Gallimort's second kite explaining his hernia is causing him pain, and that he is trying to get the matter resolved. Response was "refer to medical" and to this he has never seen a doctor.

PRINT NAME: Jose GallimontID# 56977

(Also print name and ID# at bottom of form where indicated)

Institution: H.D.S.PDate submitted: 8 / 30 / 2017Unit/House: 7-B-2AMedical: ☒Dental: ☐Mental Health: ☐Nursing: ☐

Other: _____

Reason for request: (Describe below)

ATTN: Doctor BYRAN,

I try to get this matter resolve, somehow the medical keep on ASIST I need sick call list, my hernia is costing me a lot of pain on my right side, can you please Example me A.S.A.P.

Thank you**DO NOT WRITE IN AREA BELOW**

Response to request:

refer to medical☐

Appointment Schedule for: _____

Rescheduled for: _____

☐

No visit necessary

☐

No Show for Appointment

☐

Refused to be seen. DOC 2523-Release of Liability signed

PRESCRIPTIONS☐

KOP

☐

NON-KOP

☐

Order Date: _____

PLAN☐

Follow-up appointment _____

☐

Return if needed

☐

No follow-up required

Signature/Title of Provider _____

Date _____

NEVADA DEPARTMENT OF CORRECTIONS

**MEDICAL KITE and/or
SERVICE REPORT**NAME: Gallimont Jose

Last

First

MI

SIGNATURE: JHqsID#: 56977

Exhibit C

- Gallimort's third medical kite explaining that he is still in pain 11 months later. Medical's response was to be placed on sick call, which never happened

PRINT NAME: JOSE GALLIMORT

(Also print name and ID# at bottom of form where indicated)

ID#: 56977DOB: 4 / 12 / 1955Institution: H D S PDate submitted: 6 / 16 / 2018Signature: JHGMedical: ☒Dental: ☐Mental Health: ☐Nursing: ☐

Other: _____

Reason for request: (Describe below)

Please I would like to know when I can see a doctor. on august 30 2017 your Refere me to a medical, and never I Received any attention by the medical I have strong Pain and I need to see a doctor For my ^{FRT} Hernia Please ASAP.

thanks you very much

DO NOT WRITE IN AREA BELOW

Response to request:

Placed on urgent sick call 6/16/18 by nurse
placed on sick call 6/16/18 by nurse

☐

Appointment Schedule for: _____

Rescheduled for: _____

☐

No visit necessary

☐

No Show for Appointment

☐

Refused to be seen. DOC 2523-Release of Liability signed

PRESCRIPTIONS

☐

KOP

☐

NON-KOP

☐

Order Date: _____

PLAN

☐

Follow-up appointment _____

☐

Return if needed

☐

No follow-up required

Signature/Title of Provider: J GlenDate: 6/16/18

NEVADA DEPARTMENT OF CORRECTIONS

**MEDICAL KITE and/or
SERVICE REPORT**
NAME: GALLIMORT JOSE A

Last

First

MI

ID#: 56977Unit/Cell#: 7-B-2A

Exhibit D

- Informal grievance explaining again that he is in pain and is in urgent need of surgery. Jennifer Nash unreasonably applied AR 740 which caused Gallimort to suffer even more

* Note: Informal grievance must be checked if "upheld," "denied," or "not grievable per AR 740." It must also be signed with the grievance coordinator's approval



Nevada Department of Corrections

Improper Grievance Memo

Brian Sandoval
Governor

James Dzurenda
Director

Brian E. Williams, Sr.
Warden, HDSP

TO: Gallimort, Jose #56977 7B/2
FROM: J. Nash, AW
DATE: 6/1/2018
RE: Improper Grievance #2006-30-66708 IF Level Grievance

The attached grievance is being returned to you for the following reason(s):

This grievance may NOT proceed to the next level Per AR 740.03,5 due to the following:

- ☐ Non-grievable issue.
 - ☐ State and federal court decision.
 - ☐ State, federal and local laws and regulations.
 - ☐ Parole Board decision.
 - ☐ Lacks standing.
- ☒ Untimely submission. Per AR 740 you have not submitted this grievance within 6 months of the date you provided, of which July 26, 2017, is and is deemed not in compliance.
- ☐ Abuse of Inmate Grievance Procedure.
 - ☐ Any language, writing or illustration deemed to be obscene, profane or derogatory.
 - ☐ A threat of serious bodily injury to a specific individual.
 - ☐ Specific claims or incidents previously filed by the same inmate.
 - ☐ More than one (1) grievance per week, Monday through Sunday.
 - ☐ More than two (2) unfounded, frivolous or vexatious grievances per month.

After correcting the deficiencies(s) listed below; you may re-submit your grievance.

- ☐ The grievance contains more than one (1) appropriate issue. Only 1 issue is allowed per grievance.
- ☐ No factual harm/loss noted and/or no remedy requested.
- ☐ Other; specify:

Failure to re-submit the grievance through the prescribed timeframe shall constitute abandonment.

Witness Signature

Date

Inmate Signature

Date

cc: Original – Inmate

Copy - Grievance File

original

Log Number 2006-30-66708

NEVADA DEPARTMENT OF CORRECTIONS
INFORMAL GRIEVANCE

NAME: Jose Gallimot I.D. NUMBER: 56977

INSTITUTION: HDSP UNIT: 7-13-2A

GRIEVANT'S STATEMENT: the reason of this Grievance is Because

On July 26-2017, I sent a kite to HDSP hospital
Because I have had Pain in my Hernia they put me
"on sick call list." on August 30 2017 I sent another kite
the kite Refer to medical "Please I need a doctor I have

SWORN DECLARATION UNDER PENALTY OF PERJURY Pain in my Hernia thanks you

INMATE SIGNATURE: JMGs DATE: 5-9-18 TIME: 9:AM

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 5/31/18 TIME: 2:19pm

GRIEVANCE RESPONSE: 30FB' Ten 740 you have
submitted this Grievance within 6 months
of this date you provided, of which is July 26, 2017
and deemed not in compliance and untimely...

CASEWORKER SIGNATURE: [Signature] DATE: 6/14/18

☐ GRIEVANCE UPHELD ☐ GRIEVANCE DENIED ☐ ISSUE NOT GRIEVABLE PER AR 740

GRIEVANCE COORDINATOR APPROVAL: _____ DATE: _____

☐ INMATE AGREES ☒ INMATE DISAGREES

INMATE SIGNATURE: JMGs DATE: 6-14-18

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A FIRST LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

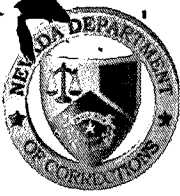
Original: To inmate when complete, or attached to formal grievance
Canary: To Grievance Coordinator
Pink: Inmate's receipt when formal grievance filed
Gold: Inmate's initial receipt

RECEIVED
JUN 01 2018
HDSP

Exhibit E

- First level grievance, which is the fifth
document explaining his need for hernia surgery.
Ms. Nash committed a retaliatory action here,
by violating his 1st amendment right to readdress grievances

* Note: First level grievance must be signed by
a warden and checked if "upheld," "denied," or
"not grievable per AR740." The warden did not sign
this grievance.



Nevada Department of Corrections

Improper Grievance Memo

Brian Sandoval
Governor

James Dzurenda
Director

Brian E. Williams, Sr.
Warden, HDSP

TO: Gallimort, Jose #56977 7B/2
FROM: J. Nash, AW
DATE: 7/11/2018
RE: Improper Grievance #2006-30-66708 1st Level Grievance

The attached grievance is being returned to you for the following reason(s):

This grievance may NOT proceed to the next level Per AR 740.03,5 due to the following:

- ☐ Non-grievable issue.
 - ☐ State and federal court decision.
 - ☐ State, federal and local laws and regulations.
 - ☐ Parole Board decision.
 - ☐ Lacks standing.
- ☒ Untimely submission. However, an email has been sent to Medical.
- ☐ Abuse of Inmate Grievance Procedure.
 - ☐ Any language, writing or illustration deemed to be obscene, profane or derogatory.
 - ☐ A threat of serious bodily injury to a specific individual.
 - ☐ Specific claims or incidents previously filed by the same inmate.
 - ☐ More than one (1) grievance per week, Monday through Sunday.
 - ☐ More than two (2) unfounded, frivolous or vexatious grievances per month.

After correcting the deficiencies(s) listed below; you may re-submit your grievance.

- ☐ The grievance contains more than one (1) appropriate issue. Only 1 issue is allowed per grievance.
- ☐ No factual harm/loss noted and/or no remedy requested.
- ☐ Other; specify:

Failure to re-submit the grievance through the prescribed timeframe shall constitute abandonment.

[Signature]
Witness Signature

7/26/18
Date

[Signature]
Inmate Signature

7-26-18
Date

cc: Original – Inmate
Copy - Grievance File

Log Number 2006-30-66708NEVADA DEPARTMENT OF CORRECTIONS
FIRST LEVEL GRIEVANCENAME: Jose Gallimort I.D. NUMBER: 56977INSTITUTION: HDSP UNIT: 7B-2I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 2006-30-66708, IN A FORMAL MANNER. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: JHGS DATE: 6/14/18WHY DISAGREE: This grievance is about my continuing issue with my hernia that has not been solved with my previous kites, nor my informal grievance. This is my issue. I am having terrible pain with my hernia and I need to see a doctor immediately. I sent a kite to medical asking to go and receive medical care, and they put me on the sick call list. I never went to a sick call nor did-GRIEVANCE COORDINATOR SIGNATURE: JN DATE: 7/11/18FIRST LEVEL RESPONSE: DOC 3098 - Untimely - Email sent to medical GRIEVANCE UPHELD GRIEVANCE DENIED ISSUE NOT GRIEVABLE PER AR 740WARDEN'S SIGNATURE: TITLE: DATE: GRIEVANCE COORDINATOR SIGNATURE: JN DATE: 7/11/18 INMATE AGREES ✓ INMATE DISAGREESINMATE SIGNATURE: JHGS DATE: 7-26-18

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A SECOND LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original:	To inmate when complete, or attached to formal grievance
Canary:	To Grievance Coordinator
Pink:	Inmate's receipt when formal grievance filed
Gold:	Inmate's initial receipt

RECEIVED

JUL 11 2018

HDSP

DOC 3093 (12/01)

NEVADA DEPARTMENT OF CORRECTIONS GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Jose Gallimort I.D. NUMBER: 56977INSTITUTION: HDSP UNIT #: 7B-2GRIEVANCE #: 2006-30-66708 GRIEVANCE LEVEL: FirstGRIEVANT'S STATEMENT CONTINUATION: PG. 1 OF 1

Anyone see me. On August 30th, 2017, I sent another kite about the same issue and again I was not seen by anyone at sick call. I have copies of these kites. In February of this year, I sent another kite about the same issue, but this time I received no response at all (which is why it wasn't mentioned in the informal grievance). I would like to inform the ALVO that this case is not about the dates of the kites, it's about the negligence and deliberate indifference shown by the medical staff. The nurses I speak to in the unit say they'll refer me to a doctor, and yet I hear nothing. The staff receives my kites, but they do not follow through. This issue will be RESOLVED when I talk to a doctor, who can confirm my condition and send me to a hospital to get it fixed. This is the grievance response I will agree with. Until then, I cannot agree with a response in regards to untimeliness, because this is an issue I deal with everyday, I am entitled to receive medical care and I hope I can receive that medical care in the very near future. Thank you.

Original: Attached to Grievance
Pink: Inmate's Copy

Exhibit F

- Second level grievance that was once again
listed as untimely. This is a repeat of her
(Jennifer Nash) retaliatory actions

* Note: A Director (either James Dzurenda or Romero
Aranas) must sign a second level grievance. Ms. Nash
is unqualified to sign this grievance.



Nevada Department of Corrections

Improper Grievance Memo

Brian Sandoval
Governor

James Dzurenda
Director

Brian E. Williams, Sr.
Warden, HDSP

TO: Gallimort, Jose #56977 7B/2
FROM: J. Nash, AW
DATE: 8/27/2018

RE: Improper Grievance #2006-30-66708 2nd Level Grievance

The attached grievance is being returned to you for the following reason(s):

This grievance may NOT proceed to the next level Per AR 740.03,5 due to the following:

- ☐ Non-grievable issue.
 - ☐ State and federal court decision.
 - ☐ State, federal and local laws and regulations.
 - ☐ Parole Board decision.
 - ☐ Lacks standing.
- ☒ Untimely submission.
- ☐ Abuse of Inmate Grievance Procedure.
 - ☐ Any language, writing or illustration deemed to be obscene, profane or derogatory.
 - ☐ A threat of serious bodily injury to a specific individual.
 - ☐ Specific claims or incidents previously filed by the same inmate.
 - ☐ More than one (1) grievance per week, Monday through Sunday.
 - ☐ More than two (2) unfounded, frivolous or vexatious grievances per month.

After correcting the deficiencies(s) listed below; you may re-submit your grievance.

- ☐ The grievance contains more than one (1) appropriate issue. Only 1 issue is allowed per grievance.
- ☐ No factual harm/loss noted and/or no remedy requested.
- ☐ Other; specify:

Failure to re-submit the grievance through the prescribed timeframe shall constitute abandonment.






Witness Signature Date Inmate Signature Date

cc: Original – Inmate
Copy - Grievance File

LOG NUMBER: 2006-30-66708NEVADA DEPARTMENT OF CORRECTIONS
SECOND LEVEL GRIEVANCENAME: Jose Gallimort I.D. NUMBER: 56977INSTITUTION: HDSP UNIT: 7B/2I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 2006-30-66708, ON THE SECOND LEVEL. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: JMGS DATE: 7-27-18WHY DISAGREE: First, I would point out that Ms. Nash isn't qualified to give a judgement on a case that should have been referred to the head doctor or the medical administration in Carson City. My hernia requires the examination of a doctor and to make the proper surgery. I have gone through the proper channels by submitting medical kites in August 2017 andGRIEVANCE COORDINATOR SIGNATURE: JNM DATE: 8/27/18SECOND LEVEL RESPONSE: DOC 3098 - Prior grievance deemed untimely

____ GRIEVANCE UPHeld ____ GRIEVANCE DENIED ____ ISSUE NOT GRIEVABLE PER AR 740

SIGNATURE: JMGS TITLE: _____ DATE: _____GRIEVANCE COORDINATOR SIGNATURE: JNM DATE: 8/27/18INMATE SIGNATURE: Jose Gallimort DATE: JMGS 8/27/18

THIS ENDS THE FORMAL GRIEVANCE PROCESS

Original:	To inmate when complete, or attached to formal grievance
Canary:	To Grievance Coordinator
Pink:	Inmate's receipt when formal grievance filed
Gold:	Inmate's initial receipt

RECEIVED

AUG 27 2018

HDSP DOC 3094 (12/01)

**NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: Jose Gallimort I.D. NUMBER: 56977

INSTITUTION: HDSP UNIT #: 7B/2

GRIEVANCE #: 2006-30-66708 GRIEVANCE LEVEL: Second

GRIEVANT'S STATEMENT CONTINUATION: PG. 1 OF 1

February of this year. Nobody can deny that the medical staff
failed to address my issue properly by having me talk to a doctor
so I could be sent to a hospital. Clearly, negligence and deliberate
indifference have been shown and I do have legal recourse for that.
As stated before in my first level grievance, I cannot accept a response
in regards to an untimely submission. To submit any more letters to medical
would subject me to a possible write up, so the grievance process is
the next course of action. If this is unsatisfactory, I would
like to remind the administration that making me suffer this hernia
is an issue that can be brought and settled in a court of law.
Thank you,

Original: Attached to Grievance
 Pink: Inmate's Copy

Exhibit G

- Witness affidavit from David Thomson.
Thomson received his hernia surgery in 2017

INSTRUCTIONS/SUGGESTIONS FOR COMPLETEING AN AFFIDAVIT

- (1) This form is only good in the state of Nevada by a person incarcerated, per NRS208.165 and has at the bottom space to be notarized if for use outside Nevada.
- (2) The first paragraph should be something like this...(1) THAT, (your name) is the Affiant in this affidavit and is currently incarcerated at High Desert State Prison (HDSP)
- (3) Each following paragraph should be numbered and begin with That... and your statements should be in sequence, first establishing your knowledge of the subject and then followed by the fact you wish to establish.
- (4) The small page attached does NOT have numbers on purpose so that you can shorten the affidavit to any length you wish, want, or need, simply by laying the ending at the end of your affidavit and then having it copied. If longer, another 28-line page with lines can be obtained from the law library clerk at the counter or made by yourself.
- (5) You could also have a "Witness" sign in the space where the notary would use.

AFFIDAVIT OF DAVID THOMSON

STATE OF NEVADA)
) SS:
 COUNTY OF CLARK)

TO WHOM IT MAY CONCERN:

I, DAVID THOMSON, the undersigned, do hereby swear that all the following statements and description of events, are true and correct, of my own knowledge, information, and belief, and to those I believe to be true and correct. Signed under penalty of perjury pursuant to NRS 208.165.

(1) THAT I AM CURRENTLY SERVING TIME AT HIGH DESERT STATE PRISON SINCE 2012. MY PRISON BACK # IS 1080243 Cell No 7C-26. UPON ARRIVAL To this facility, I requested immediate medical attention due to a HERNIA located in my Groins. which was really Painful at the time. and Addressed the issue to the medical center located at Clark County Jail. LAS VEGAS, NEVADA. Whom refused to have this Problem fix. After a long and Gruesome wait that lasted nearly Five Years. HIGH DESERT STATE PRISON MEDICAL DEPARTMENT decided to Provide Medical Attention And gave me an Appointment to receive a Surgery. which WAS PERFORMED AT HENDERSON HOSPITAL Last Year IN 2017. If there is ANY information REGARDING this matter, it CAN be found in my Medical Record/Files. Additionally I am willing to testify in Person if needed Under Penalty of Perjury that the foregoing is true and Correct.

Executed at High Desert State Prison, Indian Springs,

NEVADA ON September 25, 2018

Signature:  NDOC # 1080243

Exhibit H

- Witness affidavit from James K Mack Sr.
Mack suffered cruel and/or unusual punishment
as well, just like Gallimort is to this date.

INSTRUCTIONS/SUGGESTIONS FOR COMPLETEING AN AFFIDAVIT

- (1) This form is only good in the state of Nevada by a person incarcerated, per NRS208.165 and has at the bottom space to be notarized if for use outside Nevada.
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- (5) You could also have a "Witness" sign in the space where the notary would use.

AFFIDAVIT OF James K. Mack, Sr # 78460

STATE OF NEVADA)
) SS:
 COUNTY OF CLARK)

TO WHOM IT MAY CONCERN:

I, James K. Mack, Sr, the undersigned, do hereby swear that all the following statements and description of events, are true and correct, of my own knowledge, information, and belief, and to those I believe to be true and correct. Signed under penalty of perjury pursuant to NRS 208.165.

(1) THAT I AM CURRENTLY SERVING time at high desert state prison
PRISON SINCE 2011. back number # 78460 cell NO 7B-3.

ON march 8, 2017 I/M Mack has to do a mandown because the G/O could
Not Assist I/M MACK. Upon ARRIVAL NURSE had to take I/M MACK
to the infirmary, which Dr G. BRYAN did health check, Dr G. BRYAN
send I/M MACK, to valley hospital. The pain was cause by Gladbadder
which a ^{surgey WAS} ~~surgey~~ done to Removal gladbadder, couple days later
was Rush back surgery to place a "stent" for the leaked. I/M MACK,
have to stay 14 days, upon ARRIVAL back at the prison was place in
the Infirmary for 7 days because I/M MACK have drain tube in his
side. it's WAS Remove March around 28, 29. I/M MACK, has to be
place back G. P. because he was no longer under infirmary care
was waiting to has the "stent" remove six weeks later, the "stent"
stay 19 month before they removal, bunch delays and some doctor's
visites because the "stent" was causing alot pains and some
IRREGULAR ~~excuriating~~ excruciating pain in abdomen. Delays 8th amendment
CRUEL; UNUSUAL punishment of the United states constitution
14th amendment, All these violations come by the High desert
state prison medical department, malpractice, deliberate indifference
Medical department of high desert state prison

1 around April 18-25 2017, Jim Mack, went to see the specialist
 2 Mohammed SHAFI, MD to check abdomen area and colon
 3 appointment was made to remove the "stent", The appointment was
 4 made but several cancellations, because knowing or willful disclosure
 5 of privileged communications.
 6 Send Requested to find out why was cancel to remove "stent"
 7 as foreign object that causing irregular bowel movement.
 8 lack of communication in high desert state prison medical depart-
 9 ment.

22 FURTHER, AFFIANT SAYETH NAUGHT.

23 EXECUTED AT High Desert State Prison

this 25 day of ^{September} ~~September~~ 2018

24 IN FRONT OF:

BY Jim K. Mack, SR

NDOC # 78400